

# Exhibit B

## (Contested Exhibits)

<b>Trial Ex. No.</b>	<b>Proffering Party</b>	<b>Bates Nos.</b>	<b>Description</b>	<b>KPM's Objection(s)</b>	<b>D's Objection(s)</b>	<b>Proffering Party Response</b>
<b>18</b>	KPM	KPM-BS-000422 <i>through</i> KPM-BS-000423	Irvin Lucas 2021 Dep. Ex. 21, 11/11/20 Email	n/a	FRE 802 - hearsay	This is a statement of party opponent, and in any event not being offered for the truth of the matter asserted. It is being used to show that Bill Brown committed the acts of providing UCal info to the developer.
<b>20</b>	KPM	KPM-US-000378	Irvin Lucas 2021 Dep. Ex. 23, 12/02/20 Email	n/a	FRE 802 - hearsay	This is a statement of party opponent, and in any event not being offered for the truth of the matter asserted. It is being used to show that Bill Brown committed the acts of providing UCal info to the developer.
<b>41</b>	KPM	KPM-BS2-00001721 <i>through</i> KPM-BS2-00001722	Irvin Lucas 2022 Dep. Ex. 24, 08/24/21 Email	n/a	FRE 402, 403 - irrelevant; prejudicial (portion of communication discussing preliminary injunction)	Relevant to show the work that Blue Sun was doing for KPM customers; Defendants' knowledge; no specific mention of the PI; Proabativeness outweighs any unfair prejudice
<b>42</b>	KPM	KPM-BS2-00001133 <i>through</i> KPM-BS2-00001134	Irvin Lucas 2022 Dep. Ex. 28, 10/01/21 Email	n/a	FRE 402, 403 - irrelevant; prejudicial (portion of communication discussing preliminary injunction)	Relevant to show the work that Blue Sun was doing for KPM customers; Defendants' knowledge; no specific mention of the PI; Proabativeness outweighs any unfair prejudice

<b>43</b>	KPM	KPM-BS2-00001224 <i>through</i> KPM-BS2-00001228	Irvin Lucas 2022 Dep. Ex. 30, 10/13/21 Email	n/a	FRE 402, 403 - irrelevant; prejudicial (portion of communication discussing preliminary injunction)	Relevant to show the work that Blue Sun was doing for KPM customers and possible violation of PI; Defendants' knowledge; no specific mention of the PI; Proabativeness outweighs any unfair prejudice
<b>44</b>	KPM	KPM-BS2-00001230	Irvin Lucas 2022 Dep. Ex. 31, 10/28/21 Email	n/a	FRE 402, 403 - irrelevant; prejudicial (portion of communication discussing preliminary injunction)	Relevant to show what work Blue Sun was doing on SpectraStars and for KPM customers; reference to PI will be subject to MIL ruling
<b>66</b>	KPM	KPM-BS2-00001534	Irvin Lucas 2022 Dep. Ex. 59, 08/16/21 Email	n/a	FRE 802 - hearsay	Not being offered for truth of the matter asserted; Offered to Show knowledge, state of mind and intent of customer.
<b>128</b>	KPM		Robert Gajewski: First Computer Drive Produced	n/a	No objection to introducing the existence of the drive, objection to any analysis of the contents of the drive or access to it (Fed. R. Civ. P. 37(c)(1).	Defendants produced the drive to KPM. It contains what it contains.

129	KPM		Robert Gajewski: Second Computer Drive Produced	n/a	No objection to introducing the existence of the drive, objection to any analysis of the contents of the drive or access to it (Fed. R. Civ. P. 37(c)(1)).	Defendants produced the drive to KPM. It contains what it contains.
145	KPM	KPM0002890-2891; KPM0002896-2897; KPM0002900-2901; KPM0002904-2905; KPM0002908-2912; KPM0002935-2936	Michelle Gajewski Dep. Ex. 10, Emails	n/a	FRE 802 - hearsay	Not being offered for truth of the matter asserted; Ms. Gajewski's testimony addresses actions taken with regard to, and materials referenced by, these exhibits.
163	KPM	KPM0003877	Rachael Glenister Dep. Ex. 13, 02/28/20 Email	n/a	FRE 802 - hearsay	Not being offered for the truth of the matter asserted, instead to show what work Blue Sun was doing for KPM customers
335	KPM	KPM0000831 <i>through</i> KPM0000834		n/a	FRE 403 - Relevance	Relevant to show KPM's actions regarding secrets and confidential information when employees leave KPM; Probableness outweighs any potential prejudice.
339	KPM	KPM0000937 <i>through</i> KPM0000941		n/a	FRE 403 - Relevance	Relevant to show KPM's actions regarding secrets and confidential information when employees leave KPM; Probableness outweighs any potential prejudice.

<b>341</b>	KPM	KPM0000948 <i>through</i> KPM0000949		n/a	FRE 403 - Relevance	Relevant to show KPM's actions regarding secrets and confidential information when employees leave KPM; Probableness outweighs any potential prejudice.
<b>356</b>	KPM	KPM0022106		n/a	FRE 802 - hearsay	Not being offered for the truth of the matter asserted, instead to show KPM's actions to protect trade secrets and confidential information.
<b>371</b>	KPM	KPM0000983		n/a	FRE 901 - authentication	KPM will have an authenticating witness at trial
<b>372</b>	KPM	KPM0000984		n/a	FRE 901 - authentication	KPM will have an authenticating witness at trial
<b>373</b>	KPM	KPM0000985		n/a	FRE 901 - authentication	KPM will have an authenticating witness at trial
<b>387</b>	KPM	KPM0004715 <i>through</i> KPM0004717		n/a	FRE 802 - hearsay	Not being offered to show truth of the matter asserted, instead to show Defendants' knowledge of KPM customer, its needs, and possible violation of PI
<b>389</b>	KPM	KPM0273075 <i>through</i> KPM0273079		n/a	FRE 802 - hearsay	Not being offered to show truth of the matter asserted, instead to show customer knowledge and state of mind - confusion

<b>391</b>	KPM	KPM0273081 <i>through</i> KPM0273116		n/a	FRE 802 - hearsay	Not being offered to show truth of the matter asserted, instead to show Defendants' knowledge of KPM customer, its needs, and possible violation of PI
<b>392</b>	KPM	KPM0273119 <i>through</i> KPM0273120		n/a	FRE 802 - hearsay	Not being offered to show truth of the matter asserted, instead to show Blue Sun doing work for KPM customer, actions by Blue Sun and Customer, and state of mind and knowledge of both.
<b>396</b>	KPM	n/a	USA v. Irvin Lucas, No 21 CR 705-2 (N.D. Ill.), ECF No. 1	n/a	FRE 402, 403 - irrelevant; prejudicial	Permissible use under FRE 609; will be subject to MIL ruling
<b>397</b>	KPM	n/a	USA v. Irvin Lucas, No 21 CR 705-2 (N.D. Ill.), ECF No. 51	n/a	FRE 402, 403 - irrelevant; prejudicial	Permissible use under FRE 609; will be subject to MIL ruling
<b>437</b>	KPM	KPM-BS2-00003114		n/a	FRE 403, 802 - prejudice; hearsay	Statement by a party opponent and not offered for the truth of the matter asserted; remainder of chain not offered for its truth but for knowledge and state of mind of customer and defendants; also offered as an action by R. Gajewski
<b>439</b>	KPM	n/a	DN 1 – Complaint without Exhibits	n/a	FRE 402 - Pleading does not contain fact and cannot establish fact of consequence in determining the action	Relevant for and usable on cross-exam; relevant to Defendants' deposition designations

440	KPM	n/a	DN 1 – Complaint with Exhibits	n/a	FRE 402, 802 - Pleading does not contain fact and cannot establish fact of consequence in determining the action; hearsay	Relevant for and usable on cross-exam; relevant to Defendants' deposition designations
442	KPM	n/a	DN 43 – Attachment to Letter (pages 3-13)	n/a	FRE 402, 403, 802 - Pleading does not contain fact and cannot establish fact of consequence in determining the action; prejudice; hearsay	This exhibit is just the email chain and not the letter to the court; not being offered for the truth of the matter asserted, instead to show customer confusion and Defendants' knowledge of KPM customer needs
454	KPM	n/a	DN 75 – Ex. 50 to Magee Decl. in Support of KPM Motion for PI, Olson 2021 Depo Ex. 11	n/a	FRE 802 - hearsay	Not being offered for the truth of the matter asserted, instead to show KPM state of mind with regard to Greg Israelson and to show use of "Greg Gregory" email address
456	KPM	n/a	DN 75 – Ex. 53 to Magee Decl. in Support of KPM Motion for PI, Lucas 2021 Depo. Ex. 6	n/a	FRE 403 - prejudice	Probative value (showing intentional poaching of KPM employees) far outweighs any danger of unfair prejudice, though there is no such danger
459	KPM	n/a	DN 75 – Olson Declaration in Support of KPM's Motion for PI	n/a	FRE 802 - hearsay	Possibly admissibility depends on witness testimony and cross-examination at trial.
460	KPM	n/a	DN 75 – Ex. A to Olson Declaration in Support of KPM's Motion for PI	n/a	FRE 802 - hearsay	Not being offered for the truth of the matter asserted, instead to show customer confusion and Defendants' knowledge of KPM customer needs

463	KPM	n/a	DN 91 – Blue Sun Scientific, LLC and The Innovative Technologies Group & Co., Ltd.’s Answer to Verified Complaint	n/a	FRE 402 – Pleading does not contain fact and cannot establish fact of consequence in determining the action	Contains admission of party oponents; further admissibility depends on witness testimony and cross-examination at trial.
464	KPM	n/a	DN 93 – Order and Memorandum on Plaintiff’s Motion for Preliminary Injunction (Docket No. 7	n/a	FRE 402, 403 – Filing does not contain fact and cannot establish fact of consequence in determining the action; prejudice	Will be subject to MIL Ruling
465	KPM	n/a	DN 94 – Preliminary Injunction Order	n/a	FRE 402, 403 – Order does not contain fact and cannot establish fact of consequence in determining the action; prejudice	Will be subject to MIL Ruling
466	KPM	n/a	DN 104 – Order on Defendants’ Motion for Clarification	n/a	FRE 402, 403 – Order does not contain fact and cannot establish fact of consequence in determining the action; prejudice	Will be subject to MIL Ruling
467	KPM	n/a	DN 120 – Updated Preliminary Injunction Order	n/a	FRE 402, 403 – Order does not contain fact and cannot establish fact of consequence in determining the action; prejudice	Will be subject to MIL Ruling



<b>473</b>	KPM	n/a	DN 158 – Ex.34 to Magee Decl. in Support of KPM’s Opposition to Innovative Technologies Group’s Motion for SJ and to Defendants’ Motion to Dissolve or Modify the PI, Customer Confusion Emails	n/a	FRE 403 – prejudicial (portion of communication mentioning court order)	Probative value (showing intentional poaching of KPM employees and resultant customer confusion) far outweighs any danger of unfair prejudice, though there is no such danger
<b>600</b>	Entity D's	KPM-ITGC-00000071 through KPM-ITGC-00000075	7/2/2018 Email String	FRE 402, 403, 802, 901	n/a	
<b>606</b>	Entity D's	KPM0103386	12/21/2017 Email	FRE 402, 403, 802, 901	n/a	
<b>620</b>	Entity D's	KPM0093153 <i>through</i> KPM0093164	Email from David Judge dated 1/7/21	FRE 402, 403, 802, 901	n/a	This document is relevant to Entity Defendants' defenses against Plaintiff's damages claims and not prejudicial. Thus, this document is offered for the nonhearsay purpose of explaining the motive and conduct of KPM. This document was produced by KPM.
<b>621</b>	Entity D's	KPM0002137 <i>through</i> KPM0003161	Email string from Tanja Kropf dated 3/11/21	Bates numbers do not match description	n/a	The correct bates number for this exhibit is KPM0003157 through KPM0003161.
<b>622</b>	Entity D's	KPM0105831 <i>through</i> KPM0105835	Email to Brian Irish	FRE 802, 901	n/a	Pursuant to Fed. R. Evid. 801(d)(2), an opposing party's statement is not hearsay. This document was produced by KPM.
<b>623</b>	Entity D's	KPM0129135	Email from Eric Olson dated 1/29/2022	FRE 402	n/a	This document is relevant to Entity Defendants' defenses because it relates to a list of KPM's customers and KPM's alleged damages.

<b>624</b>	Entity D's	KPM0004974 <i>through</i> KPM0004976	E-Mail Exchange	FRE 402, 403, 802, 901	n/a	KPM has also designated this document as a trial exhibit (see Trial Ex. No. 181), so KPM's argument that it is irrelevant and prejudicial is not advanced in good faith. Pursuant to Fed. R. Evid. 801(d)(2), an opposing party's statement is not hearsay. The email can be authenticated by various witnesses set to testify at trial.
<b>625</b>	Entity D's	n/a	Deposition Notice of KPM Analytics North America	FRE 402, 403	n/a	
<b>626</b>	Entity D's	n/a	Deposition Notice of KPM Analytics North America	FRE 402, 403	n/a	
<b>634</b>	Entity D's	n/a	Copy of U.S. Patent No. 7,483,134 B2	FRE 402, 403, 802	n/a	The document is relevant because it relates to the Entity Defendants' defenses that they have not misappropriated any of KPM's trade secrets. The document is not within the Individual Defendants' possession, custody, or control, but comes from a publicly available source and therefore any failure to disclose the document is harmless. See Fed. R. Civ. P. 37(c)(1). The document is offered for the nonhearsay purpose of showing notice, rather than for any truth asserted therein.

637	Entity D's	KPM0105928	4/8/2021 E-mail	FRE 402, 403, 701	n/a	The document is relevant to the Entity Defendants' defenses and not prejudicial because it supports that Blue Sun has not utilized KPM's trade secrets and shows KPM's motivation for filing and pursuing this litigation is not based on any wrongdoing by Entity Defendants. The document contains an admissible opinion of a lay witness regarding information rationally based on the witness's perception; helpful to clearly understanding the witness's testimony or to determining a fact in issue; and is not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.
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<b>638</b>	Entity D's	KPM0105929 <i>through</i> KPM0105930	4/8/2021 E-mail	FRE 402, 403, 701	n/a	The document is relevant to the Entity Defendants' defenses and not prejudicial because it supports that Blue Sun has not utilized KPM's trade secrets and shows KPM's motivation for filing and pursuing this litigation is not based on any wrongdoing by Entity Defendants. The document contains an admissible opinion of a lay witness regarding information rationally based on the witness's perception; helpful to clearly understanding the witness's testimony or to determining a fact in issue; and is not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.
<b>643</b>	Entity D's	KPM0106275 <i>through</i> KPM0106277	4/23/2021 E-mail Chain	Repeat of 642	n/a	
<b>645</b>	Entity D's	KPM0225506 <i>though</i> KPM0225507	5/27/2021 E-mail Chain	FRE 402, 403, 802, 901	n/a	This document is relevant to Entity Defendants' defenses and not prejudicial because it supports alternative reasons for any loss of sales by KPM and undermines its alleged damages. Pursuant to Fed. R. Evid. 801(d)(2), an opposing party's statement is not hearsay. This document was produced by KPM.

<b>649</b>	Entity D's	KPM0112323 <i>through</i> KPM0112324	9/13/2021 E-mail Chain	FRE 402, 403, 802, 901	n/a	This document is relevant to Entity Defendants' defenses and not prejudicial because it supports alternative reasons for any loss of sales by KPM and undermines its alleged damages. Pursuant to Fed. R. Evid. 801(d)(2), an opposing party's statement is not hearsay. This document was produced by KPM.
<b>650</b>	Entity D's	KPM0105591 <i>through</i> KPM0105601	Union Park Capital 2021 Limited Partners Meeting	FRE 402, 403	n/a	This document is relevant to Entity Defendants' defenses and not prejudicial because it supports alternative reasons for any loss of sales by KPM and undermines its alleged damages.
<b>656</b>	Entity D's	n/a	Blue Sun Scientific Website	Objection - what pages; what time? FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant because it supports Blue Sun's defense that it did not use any of KPM's trade secrets. The document was provided and utilized by KPM during the deposition of Irvin Lucas on April 27, 2022. The document is not within the Individual Defendants' possession, custody, or control, but comes from a publicly available source and therefore any failure to disclose the document is harmless. See Fed. R. Civ. P. 37(c)(1).

657	Entity D's	n/a	NIR Analyzers Document	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant to the Entity Defendants' defenses and not prejudicial because it shows information regarding various NIR analyzers and will show that the Entity Defendants did not use any of KPM's trade secrets. The document was provided and utilized by KPM during the deposition of Irvin Lucas on April 27, 2022. The document is not within the Individual Defendants' possession, custody, or control, but comes from a publicly available source and therefore any failure to disclose the document is harmless. See Fed. R. Civ. P. 37(c)(1).
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<b>658</b>	Entity D's	n/a	Calibration Development	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant to the Entity Defendants' defenses and not prejudicial because it shows information regarding requesting service for NIR analyzers. The document was provided and utilized by KPM during the deposition of Irvin Lucas on April 27, 2022. The document is not within the Individual Defendants' possession, custody, or control, but comes from a publicly available source and therefore any failure to disclose the document is harmless. See Fed. R. Civ. P. 37(c)(1).
<b>665</b>	Entity D's	n/a	Expert Report of G. William Kennedy	FRE 402, 403, 702, 703, 802, 901	n/a	Expert witness report pursuant to Fed. R. Civ. P. 26.

<b>666</b>	Entity D's	n/a	Blue Sun NIR Sales Data Spreadsheet	Objection - what document(s); FRCP 26 & 37; FRE 402, 403, 802, 901	n/a	The document is relevant to the Entity Defendants' defenses and not prejudicial because it shows the sales of Blue Sun in order to undermine the damages alleged by KPM regarding sales it lost to Blue Sun. The document is demonstrative and not within the Individual Defendants' possession, custody, or control, but comes from a publicly available source and therefore any failure to disclose the document is harmless. See <i>Chen-Oster v. Goldman, Sachs &amp; Co.</i> , 114 F. Supp. 3d 110, 130 (S.D.N.Y. 2015) (demonstrative exhibit "does not fit comfortably within the disclosure requirements of Rule 26(a)(1)(A)(ii)"); see also Fed. R. Civ. P. 37(c)(1).
<b>668</b>	Entity D's	n/a	PSC & Unit, NIR Strategy Plan 2019-2020	Objection - what document(s); FRCP 26 & 37; 402, 403	n/a	This document has bates number KPM0014638 to 14688 and was produced by KPM. This document is relevant to the Entity Defendants' defenses and not prejudicial because it relates to KPM's sales and undermines KPM's alleged damages.



<b>670</b>	Entity D's	DE0010 <i>through</i> DE0023	Email, 6/12/17, with attachment	FRE 402, 403, 802, 901	n/a	The document is relevant to the Entity Defendants' defenses and not prejudicial because it relates to alternative theories for KPM's damages not attributable to the Entity Defendants. The document will be offered for the nonhearsay purpose of showing the then-existing state of mind of KPM and to explain the conduct of sales persons, not for the truth of the matter asserted. The document can be authenticated by various witnesses set to testify at trial.
<b>677</b>	Entity D's	KPM-ITGC-00000003 <i>through</i> KPM-ITGC-00000006	9/4/2015 Email from Joe Platano to Robert Wilt about signed mutual release for open Unity purchase orders and signed release	FRE 402, 403, 701, 802, 901, 1007 - best evidence rule regarding the release	n/a	This document is relevant to the Entity Defendants' defenses and not prejudicial because it shows the history between the parties and the sale of Unity. Pursuant to Fed. R. Evid. 801(d)(2), an opposing party's statement is not hearsay, and the document is offered for the nonhearsay purpose of showing a prior agreement between the parties. The email can be authenticated by various witnesses set to testify at trial. A copy of the agreement is sufficient to satisfy the best evidence rule.

<b>682</b>	Entity D's	KMP0111560	8/12/21 email	FRE 402, 403, 701, 802	n/a	This document is relevant to the Entity Defendants' defenses and not prejudicial because it supports the expertise of the defendants with respect to the analyzers. The document is also relevant to Plaintiff's alleged efforts to maintain the confidentiality of its trade secrets. Pursuant to Fed. R. Evid. 801(d)(2), an opposing party's statement is not hearsay. This document only contains lay witness opinions.
<b>729</b>	Individual D's	KPM0004974	1/28/21 Email from D. Evans to Y. Zhao	FRE 402, 403, 802, 901	n/a	KPM has also designated this document as a trial exhibit (see Trial Ex. No. 181), so KPM's argument that it is irrelevant and prejudicial is not advanced in good faith. Pursuant to Fed. R. Evid. 801(d)(2), an opposing party's statement is not hearsay. The email can be authenticated by various witnesses set to testify at trial.

746	Individual D's	KPM0113072	10/4/21 Email from B. Mitchell to C. Ross	FRE 402, 403; MA Mediation Privilege	n/a	because it can be used to impeach KPM witnesses by showing that KPM's motivation for filing and pursuing this litigation is to bankrupt Blue Sun. <i>See</i> Fed. R. Evid. 404(b)(2) (evidence of bad act may be admissible to prove motive). The document does not fall within the "mediation privilege" because it was not "made in the course of and relating to the subject matter of any mediation and . . . made in the presence of such mediator[.]" <i>See</i> Mass. R. Evid. 514(c); Mass. Gen. Laws ch. 233, § 23C. <i>See also ACQIS, LLC v. EMC Corp.</i> , 2017 WL 2818984, at *2 (D. Mass. 2017) (settlement negotiations in which a mediator is not actively and directly involved that follow a formal mediation are not protected by the mediation privilege); <i>Spruce Environmental Tech., Inc. v. Festa Radon Tech., Co.</i> , 370 F. Supp. 3d 275, 278 (D. Mass. 2019) (Massachusetts state law mediation privilege is
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747	Individual D's	KPM0115196	12/3/21 Email from C. Cook to T. Kropf	FRE 402, 403	n/a	The document is relevant because it shows that after the Individual Defendants' departures from KPM, KPM employees lacked the knowledge and experience to service older SpectraStar models, and therefore customers sought out Mssrs. Eilert and Gajewski because of their superior knowledge, not because of their supposed use of any KPM "trade secrets."
763	Individual D's	n/a	Perten Soybean Note	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant because it shows that other competitors in the NIR industry produce nearly identical "application notes" and that no confidential or trade secret information is used to create application notes. The document is not within the Individual Defendants' possession, custody, or control, but comes from a publicly available source and therefore any failure to disclose the document is harmless. See Fed. R. Civ. P. 37(c)(1).

<b>764</b>	Individual D's	n/a	Unity Soybean Note	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	This document was produced five times by KPM (see KPM0000148, 0049241, 0050634, 0059397, and 0267287). KPM has also designated a KPM soybean application note as one of its exhibits (Trial Ex. No. 222).
<b>765</b>	Individual D's	n/a	Blue Sun Soybean Note	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	This document was produced by the Entity Defendants (KPM-BS2-00000059) and used as an exhibit during Blue Sun's 30(b)(6) deposition (see Exhibit 5) and has been designated by KPM as a trial exhibit (see Trial Ex. No. 267).
<b>766</b>	Individual D's	n/a	Soybean Application Note Comparison	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	This document is a demonstrative exhibit comparing the Unity, Perten, and Blue Sun soybean application notes to show that no confidential or trade secret information is used when creating application notes. <i>See Chen-Oster v. Goldman, Sach &amp; Co.</i> , 114 F. Supp. 3d 110, 130 (S.D.N.Y. 2015) (demonstrative exhibit "does not fit comfortably within the disclosure requirements of Rule 26(a)(1)(A)(ii)").

767	Individual D's	n/a	Zeiss Potato Brochure	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant to show that KPM has historically licensed its UCal software to competitors, which supports Mr. Gajewski's testimony (and impeaches Mr. Olson's testimony) that Mr. Gajewski shared application notes with Blue Sun in an effort to persuade Blue Sun to adopt UCal as the software for the Phoenix analyzer. Mr. Gajewski specifically referenced Zeiss as an example during his deposition of a KPM competitor that uses UCal, so any failure to disclose this publicly available document is harmless.
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<b>768</b>	Individual D's	n/a	Zeiss Website Screenshot	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant to show that KPM has historically licensed its UCal software to competitors, which supports Mr. Gajewski's testimony (and impeaches Mr. Olson's testimony) that Mr. Gajewski shared application notes with Blue Sun in an effort to persuade Blue Sun to adopt UCal as the software for the Phoenix analyzer. Mr. Gajewski specifically referenced Zeiss as an example during his deposition of a KPM competitor that uses UCal, so any failure to disclose this publicly available document is harmless.
<b>769</b>	Individual D's	n/a	R&R Catalog Winter 2022	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant to show that R&R ordered highly customized analyzers from Blue Sun and that KPM could not have completed a sale to R&R because KPM does not offer customized analyzers to its customers. The document is not within the Individual Defendants' possession, custody, or control, but comes from a publicly available source and therefore any failure to disclose the document is harmless. See Fed. R. Civ. P. 37(c)(1).

770	Individual D's	n/a	KPM Partners With AB Visa Press Release	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant to show, contrary to KPM's claims, that KPM does not develop any of its own calibration datasets, but instead misappropriates its customers' data and sometimes purchases datasets from third parties, such as AB Vista. KPM produced a spreadsheet (KPM0137529) containing the same language as is quoted in the press release, but the spreadsheet is difficult to read. This document is the same press release, which was downloaded from KPM's own website, therefore any failure to disclose the document is harmless. See Fed. R. Civ. P. 37(c)(1).
771	Individual D's	n/a	KPM UCal4 Brochure	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant to impeach KPM's testimony by showing that KPM's own UCal software can import data from other manufacturers' NIR analyzers. This document was produced twice by KPM (KPM0214207 and 0244786) and this document was downloaded directly from KPM's website, therefore any failure to disclose the document is harmless.



772	Individual D's	n/a	KPM/Unity UCal4 data sheet	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	
773	Individual D's	n/a	7/11/21 Letter from D. Phorncharoen to R. Gajewski	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant because it shows that KPM was unable or unwilling to provide service on older SpectraStar models in order to force customers to purchase new devices. It is also relevant because it shows that customers sought help from Mr. Gajewski due to his knowledge and experience, rather than because he misappropriated any KPM trade secrets. The emails attached to Mr. Phorncharoen's letter are KPM emails that should have been produced in discovery, but were not, therefore any failure to disclose the letter is harmless.

774	Individual D's	n/a	3/2/22 C. Cook email to G. Israelson	Objection - what document(s); FRCP 26 & 37; FRE 402, 403	n/a	The document is relevant because it shows that KPM was unable or unwilling to provide service on older SpectraStar models in order to force customers to purchase new devices. The email is a KPM email that should have been produced in discovery, but was not, therefore any failure to disclose the email is harmless.
775	Individual D's	n/a	Rebuttal Expert Report of G. William Kennedy	FRE 402, 403, 702, 703, 802, 901	n/a	